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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/478,775	01/06/2000	Christopher N. Elsbree	ICO-004 (4594/11)	2147

21323 7590 04/10/2003

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EXAMINER

JOSEPH, THOMAS J

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 04/10/2003

*Handwritten signature*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/478,775

Applicant(s)

ELSBREE ET AL.

Examiner

Thomas J Joseph

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5,6,8,9,11,12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6,8,9,11,12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 3, 5, 6, 8, 9, 11, 12, and 14 - 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daswani et al. (US 6,447,565) and Hetherington et al. (US 6,141,005).

**Claim 1:**

Daswani teaches executing an application on a computer system linked to a portable terminal (fig. 1, #33, #45, #47). Daswani teaches a server computer system containing an application. Daswani discloses a computer with a first operating system (fig. 1, #33). All computers contain an operating system. Daswani describes a less capable hand held terminal and the more capable hardwired terminal (fig. 1, #33, #45, #47). The larger memory in the larger computer contains an operating system with more capabilities. The smaller computer or terminal is a portable computing device in communication with the larger computer. Daswani teaches generating on the computer a human-machine interface that is operable on the said portable computing device (fig. 2, #25). Daswani teaches an application communicating between the computer and the said portable computing device (fig. 1, #33, #45, #47). Daswsani demonstrates communication between a desktop computer and a portable computing device. Such

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operations require appropriate application software. Daswsani teaches use of browser software (col. 4, lines 38 – 42). Such software provides a method for generating on the computer a software object that provides a graphical human-machine interface when operating on the remote computing device. Such a remote computing device can include any cellular, PDA, or notebook computer (col. 6, lines 14 - 20). Further, Daswsani teaches transferring the software object from the larger computer to the handheld portable computing device (col. 6, lines 15 – 27). This downloading requires some type of transferring of a software object from the host system to the handheld portable client terminal. Daswsani demonstrates a client accessing software objects (col. 6, lines 15 – 27). Daswsani teaches coupling a portable computing device with a host computer (col. 6, lines 14 – 20). Browser technology often uses icons although Daswsani does not emphasize icons. This alludes to the need for an interface that uses icons for accepting human input.

Daswsani fails to teach a true graphical user interface but does teach an interface for accepting human input. Hetherington teaches a GUI for accepting human input that can be used with client computing devices (fig. 3 – 4b). The user interface taught by Hetherington uses a variety of computer graphics that provide additional icons which give the user greater ability to access more options in a timely manner (fig. 4a – 4b). Scroll bars, arrows, maximize button, etc. are all examples of these icons. It would have been obvious to one with ordinary skill in the art to combine the graphical interface technology taught by Hetherington with the portable computing system disclosed by Daswsani. Doing so gives the user greater flexibility in manipulating screen data from

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any location using a device that can be carried with and operated with one hand using a minimum number of physical buttons.

**Claim 2:**

The user interface (UI) taught by Hetherington uses a variety of computer graphics (fig. 4a – 4b). This said UI provides additional icons that give the user greater ability to access more options in a timely manner (fig. 4a – 4b). Hetherington teaches generating on the computer a human-machine interface that is operable on the portable computing device (fig. 3 – 4b). Daswsani teaches linking handheld terminals with a host computing device (fig. 1, #41). Claim 1 teaches the rationale for combining Daswsani and Hetherington providing a step for stimulating on the computer the operation of a graphical human-machine interface on a handheld or portable computing device.

**Claim 3:**

Claim 1 teaches the rationale for operating the graphical human-machine interface on a portable computing device. Daswsani teaches transmitting between the larger computer and portable computing device information related to the operation of a human machine interface (col. 6, lines 15 - 27). Daswsani teaches linking handheld terminals with a host computing device (fig. 1, #41). The rationale for combining Daswsani and Hetherington to create a graphical human-machine interface is taught by rejected claim 1.

**Claim 5:**

Hetherington teaches operating notebook computers with GUI based operating systems linked to a server (col. 5, lines 40 – 55). The windows in these operating

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systems are the GUIs. These notebook computers comprise at least a generated graphical human-machine interface operable on the portable computing device, the graphical human machine interface comprising a processor-independent graphical human-machine interface object, and a run-time engine specific to a selected processor present on the portable computing device.

**Claim 6:**

Hetherington teaches a notebook computer that uses a Microsoft Windows operating system (col. 5, lines 40 – 55). Hetherington makes reference to using a version of windows consisting of Windows 95 or later. This operating system can include Windows CE.

**Claim 8:**

Daswani and Hetherington teach the rationale of claim 8 in rejected claims 1 and 2.

**Claim 9:**

Daswani and Hetherington teach the rationale of claim 9 in rejected claims 1 and 2.

**Claim 11:**

Daswani and Hetherington teach the rationale of claim 11 in rejected claim 5.

**Claim 12:**

Daswani and Hetherington teach the rationale of claim 12 in rejected claim 6.

**Claim 14:**

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Daswani and Hetherington teach the rationale of claim 14 in rejected claim 1 and 2.

**Claim 15:**

Hetherington teaches operating the graphical human-machine interface on a portable computing device for displaying both graphical information and alphanumeric information (col. 5, lines 40 – 55). Hetherington teaches use of notebook computers that operate Microsoft Windows. Microsoft Windows is capable of displaying both graphical information and alphanumeric information. Hetherington provides examples of windows that can be displayed on a notebook computer (fig. 4a – 4b). Alphanumeric information includes the day numbers and month name while the graphical information includes icons such as arrows and maximization buttons.

**Claim 16:**

Daswani and Hetherington teach the rationale of claim 16 in rejected claim 6.

***Response to Arguments***

3. Applicant's amendment and arguments filed December 26.

The Applicant responds to the 35 USC 103 rejections of claims 1 – 17 by canceling claims 4, 7, 10, 13, and 17 and amending claims 1, 8, and 14.

The Applicant responds to the rejection of independent claims 1, 8, and 14. The Applicant fails to explain or define within the claim language the meaning of a software object. The Examiner considers the arguments by the Applicant filed on December 26, 2002. However, they have been determined to be moot based on new grounds of rejection.

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Due to at least the above reasons, the rejections of claims 1 – 3, 5, 6, 8, 9, 11, 12, and 14 - 16 remain standing.

**Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J Joseph whose telephone number is 703-305-3917. The examiner can normally be reached Mondays through Fridays from 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

tjj

March 24, 2003



*Kristine Kincaid*  
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